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U.S. Government Waged Global Campaign on Behalf of Multinational Baby Formula Companies

Trump administration used its influence at international health meetings and in trade talks to attack efforts by countries, including Thailand and other developing countries to safeguard the health of their youngest children, according to documents obtained by The Defender.

By ProPublica

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By Heather Vogell

When Gustavo Guzman arrived at school at age 4, he was so overweight that his teacher worried he'd have trouble learning during naptime. His arms and legs were fat, his belly protruded, and his face looked like a balloon, he recalled.

In 2011, The Health experts tried to stop aggressive advertising for all formulas – including those made for toddlers.

Officials feared company promotions could mislead parents and even persuade them to switch from breastfeeding. Aggressive marketing of children over 12 months benefits that could not be.

But the APS Online Industry Insights fought back, enlisting the help of a rich and a lot of political clout.

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Over 33 months, U.S. trade officials worked with formula makers to wage a diplomatic and political pressure campaign to weaken Thailand's proposed ban on formula marketing, a ProPublica investigation found.

U.S. officials delivered a letter to Bangkok's acting premier ministers, including multiple the legislation was "more trade restrictive than necessary."

They also lobbied ministers in a breakout meeting with Thai authorities and during a meeting of the World Trade Organization (WTO), two sources familiar with the talks told ProPublica.

All the while, Thailand's breastfeeding rate was already among the lowest in the world.

But the $47 billion formula industry fought back, enlisting the help of a rich and a lot of political clout.

The officials argued the new regulation would protect mothers and babies, in the end, though, the The government banned

It banned advertising for infant formula but allowed companies to market formulas for toddlers like Guzman — one of the biggest loopholes in the entire industry practice. The ban was also limited to children 12 months and younger.

During the past two years, Nestlé — a type of formula maker especially for kids. No age.

And they were happy to oblige. Sumet Ausharee and Jintana Suton, who lived in a rural province north of Bangkok, had twin daughters born in 2018.

At the time

life.

"Unsupported," Laing wrote.

Health officials pushed back on that, as well as other USTR edits. "MUST NOT DELETE," the Centers for Disease Control and Prevention (CDC) protested in all caps, arguing that key language in the resolution was backed by scientific evidence. But such concerns appeared to get lost in the debate, as those sentences were ultimately struck from the text.

Meanwhile, as WHO member nations gathered to vote in Geneva, formula lobbyists had U.S. officials "on speed dial" and urged them to weaken the WHO resolution, said Jimmy Kolker, who led the negotiations for the U.S. as an assistant secretary in the Health and Human Services Department.

And the industry's agents appeared to have inside knowledge. A baby formula industry association lobbyist cornered Kolker. "From her approach, it was obvious to me that she had been forwarded an internal, very-limited-distribution USG email," he wrote in an email to other U.S. government officials. "This is unacceptable and makes our job as negotiators significantly more difficult."

In the end, the U.S. delegation persuaded WHO nations not to "endorse" their staffs' own recommendations.

Instead, the body voted only that it "welcomes with appreciation" the guidance — language that undercut its utility. The resolution, lacking the weight of an official endorsement, left many nations puzzled over whether it would help neutralize trade complaints.

"That has caused a lot of confusion," said Laurence Grummer-Strawn, a WHO official who focuses on child feeding and former nutrition chief for the CDC. "What does that really mean?"

Stradman and Laing could not be reached for comment. Froman did not respond to requests for comment, and a USTR spokesperson declined to comment on the office's actions during the WHO debate.

In a general statement, the spokesperson said that "with regard to infant formula, USTR, in conjunction with others in the interagency, work to uphold and advocate for policy and regulatory decisions that are based on science."

The practical impact of the resolution's weakened wording became clear within months when the U.S. and other dairy producers like Australia and Canada accused Thailand of attempting to obstruct trade with its marketing ban.

That officials argued their country had a "strong need for a regulation," saying the "sales promotion" of milk formula for babies and toddlers contributed to the nation's low rate of breastfeeding. But when it referenced the WHO's guidance and resolution to support its position at the WTO, the U.S. countered that those measures did not amount to "an international standard."

When the Thai National Legislative Assembly finally passed its formula marketing measure in April 2017, the provisions that the U.S. and its allies — plus some Thai doctors and industry lobbyists — had complained about most loudly were either watered down or gone entirely.

Lawmakers had reduced the maximum criminal penalty for violations from three years in prison to one year in prison and the maximum fine from about $8,730 to $2,910, a U.S. Department of Agriculture document shows.

The law banned the marketing of infant formula and outlawed cross-promotion, but it still allowed advertising on products for 1- to 3-year-olds.

At a June 2017 meeting of the WTO, the U.S. called the changes "a welcome modification."

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'Addicted to the bottle'

The next year, Sumet and Jintana celebrated the birth of their second child, Gustun. As she had with her firstborn, Jintana breastfed Gustun until he was 3 months old, then started him on formula so she could go back to work.

The couple diligently followed the "stages" prescribed by Dumex, which came in a cheery red package: Stage 1 formula when Gustun was an infant, Stage 2 when he was an older baby and Stage 3 when he became a toddler.

He craved formula, and his parents, believing it was healthy, always gave him more. By the time he was 3, he reached his peak weight of about 66 pounds — the same as an average 9-year-old. He was drinking six or seven bottles a day, each holding about 12 ounces of toddler milk.

Jintana wasn't worried at first as Gustun grew pudgy. His brother, Captain, had been big, too — almost 60 pounds — at the same age. But when Gustun started school in person after the pandemic, his teachers were concerned.

They had seen others arrive, as one put it, "addicted to the bottle." The weight slowed Gustun down during movement time, his teacher Tida Rakrukrob said through a translator. "He would move slowly and was less active compared to other children," she said.

When another teacher posted a video on TikTok showing herself comforting and talking with Gustun one day, it went viral — receiving 732,000 likes and many comments about how cute he was.

However, his teacher's concern with his difficulty moving led his parents to bring him to see a doctor, who tested him for a hormone imbalance and checked him for diabetes.

The tests came back negative. The parents reduced the fried food, dessert and snacks Gustun ate.

The biggest change the family made, though, was eliminating toddler formula from his diet. His school gave him cow's milk instead, as it did for other children.

Gustun's extra weight began to disappear.

Looking back, Jintana said she thinks he gained so much "because of the toddler milk."

Today at age 6, Gustun is no longer on a restricted diet — he can eat fried food and dessert — and weighs 35 pounds, about half of what he weighed at the peak of his Dumex consumption.

He is more outgoing at school, Jintana said and plays soccer with his older brother every day. Captain lost a similar amount of weight after switching to cow's milk at school and is now nine and slim, weighing around 51 pounds.

One Monday in September, the brothers — both in soccer jerseys — kicked a ball back and forth in the driveway of the family's brightly painted red house.

Gustun, who has a lightning bolt shaved into his hairline, chased the ball and tried to get it away from his brother, who darted about quickly, tapping it from foot to foot.

"Now, his movement is perfect," his mother said.

Danone, the company that makes Dumex, said in a statement that while breast milk offers children the best nutritional start, "50 years of scientific research into nutritional needs in early life underpins our products, and we do not make claims that have not been backed up by scientific research."

The company said that research has shown that toddler milk can provide nutrition and help improve the diet of children aged 1 and older, reducing the risk of iron and vitamin D deficiency.

"We encourage parents to follow the guidelines on pack when using our products, which are carefully calibrated so that babies and infants receive the right amount of nutrients they need each day from our products," the company said.

The tactic is 'I will violate your law'

Thailand's marketing restrictions have done little to curb practices like cross-promotion, said Nisachol Cetthakrikul, who has worked in the Thai health ministry and studied the law.

Indeed, at two supermarkets in Bangkok, shiny walls of powdered formula boxes seven shelves high greeted shoppers on a warm day in September.

There were few differences between packages for products intended for babies and those intended for toddlers.

Formula makers and stores offered steep discounts for toddler milk, calling one a "Mommy Fair Shock Deal."

An offer on one shelf told parents if they spent about $87 on Hi-Q1 toddler formula, made by Danone, they could receive a free yellow and blue swing set worth about $27.

Other offers included a clay "pizza dough cooking fun set," a toy keyboard and microphone, and even a purchasable "speedcar trolley" that a toddler could sit in.

A 2022 study led by Nisachol found 227 instances of formula marketing that violated the law.

The government has levied fines for violations, but Thailand's health ministry doesn't name offenders. "The tactic is 'I will violate your law,'" Siriwat said, 'and prepare the budget for the fine."

Thai health authorities have tried to fight back by raising parents' awareness of the benefits of breastfeeding.

The health ministry, for example, erected billboards saying "breast milk is medicine" and called doctors to a meeting to urge them to promote breastfeeding among their patients.

But these campaigns are no match for the formula companies' massive spending on marketing, Siriwat said.

While Thailand's exclusive breastfeeding rate for babies six months or younger rebounded to about 29% in 2022, UNICEF found, it is still far short of the WHO's target of at least 50% by 2025.

The country's rates of obesity and stunting for children ages 5 and under are higher today than they were in 2016, the year before the watered-down formula law passed.

Dr. Somsak Lolekha, president of the Thai Pediatric Society, said formula isn't the only reason for children's weight problems.

But it plays a big role, he said because it's so easy to drink — a point that tracks with studies showing that babies who breastfeed longer are less likely to become obese and develop diabetes than those who drink formula.

Last summer, Thailand joined more than 100 nations at the WHO's headquarters in Geneva to explore ways to fight unethical formula marketing. Attendees sat at long tables in a sleek, modern auditorium.

Like other nations' representatives, Dr. Titiporn Tuangratananon, an official with Thailand's health ministry, declared her intentions on brightly colored paper posted at the front of the room: "Fully control" the marketing of formula to young children, and "increase + expand enforcement."

In an interview, Titiporn said health officials are trying to update the country's marketing rules — including making some forms of toddler formula advertising, such as giveaways, discounts and free samples, illegal.

But that could ultimately prove difficult in a country that is now the seventh-largest market in the world for formula.

In fact, according to Titiporn, the government has already been delayed by public comments critical of its regulatory efforts. She suspected the pro-marketing remarks, some of which had been repeatedly copied and pasted, came from representatives of the formula industry.

"We know that it's not real," Titiporn said. "It's not the real mothers."

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